

CITY OF PALM BAY, FLORIDA

REGULAR COUNCIL MEETING 2020-02

Held on Thursday, the 16th day of January 2020, at the City Hall Council Chambers, 120 Malabar Road, SE, Palm Bay, Florida.

This meeting was properly noticed pursuant to law; the minutes are on file in the Office of the City Clerk, City Hall, Palm Bay, Florida.

The meeting was called to order at the hour of 7:00 P.M.

Pastor Ken Delgado, The House Church, Palm Bay, gave the invocation which was followed by the Pledge of Allegiance to the Flag.

ROLL CALL:

MAYOR:	William Capote	Present
DEPUTY MAYOR:	Kenny Johnson	Present
COUNCILMEMBER:	Harry Santiago, Jr.	Present
COUNCILMEMBER:	Jeff Bailey	Absent
COUNCILMEMBER:	Brian Anderson	Present
CITY MANAGER:	Lisa Morrell	Present
CITY ATTORNEY:	Patricia Smith	Present
CITY CLERK:	Terese Jones	Present

CITY STAFF: Present was Suzanne Sherman, Deputy City Manager; Laurence Bradley, Growth Management Director.

ANNOUNCEMENT(S):

Deputy Mayor Johnson announced the following vacancies and terms expiring, and solicited applications for same:

- 1. Three (3) vacancies on the Community Development Advisory Board (represents 'for-profit provider', 'actively engaged in home building' and 'employer within the City' positions).++**
- 2. One (1) vacancy on the Bayfront Community Redevelopment Agency (represents 'at-large' position).++**
- 3. Four (4) terms expiring on the Youth Advisory Board (represents youth board members at-large positions).+**

4. Three (3) terms expiring on the Youth Advisory Board (represents adult over 30 years of age positions).+

AGENDA REVISION(S):

1. Mrs. Morrell announced that Item 3, under New Business, had been inadvertently placed under the Consent Agenda and would be removed. Mayor Capote said that Councilman Bailey requested that the item be tabled to the next regular Council meeting.

Motion by Deputy Mayor Johnson, seconded by Mr. Anderson, to table Item 3, under New Business, to the next regular Council meeting on February 6, 2020.

Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Anderson, Yea.

CONSENT AGENDA:

All items of business marked with an asterisk were considered under Consent Agenda and enacted by the following motion:

Motion by Deputy Mayor Johnson, seconded by Mr. Anderson, that the Consent Agenda be approved as presented with the removal of Items 5, 6, and 7, under New Business, from consent. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Anderson, Yea.

RECOGNITION(S) AND PROCLAMATION(S):

The individuals were recognized and the proclamation was read.

1. **Volunteer Program (one (1) year of service as City boardmember):**
 - a) **Infrastructure Advisory and Oversight Board – David Wills; Berekia LaFaille**
 - b) **Disaster Relief and Sustainability Board – Shaun McFadden**
2. **60th Anniversary of the City of Palm Bay – January 16, 2020.**

PRESENTATION(S):

1. **Nancy Peltonen, President and CEO, Greater Palm Bay Chamber of Commerce – quarterly update.** Ms. Peltonen provided an update on the Chamber's activities.

ADOPTION OF MINUTES:

***1. Regular Council Meeting 2020-01; January 2, 2020.**

The minutes, considered under Consent Agenda, were approved as presented.

PUBLIC COMMENTS/RESPONSES: (Non-agenda Items Only)

Individuals commented on various issues.

PUBLIC HEARING(S):

♣1. Ordinance 2020-02, rezoning property located north of and adjacent to Gran Avenue, in the vicinity east of Dixie Highway, from RS-3 (Single-Family Residential District) to RM-20 (Multiple-Family Residential District) (0.08 acres)(Case CPZ-14-2019, Steven Ciancio), final reading.

The City Attorney read the ordinance in caption only. The public hearing was opened. The applicant presented the request to Council. The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Anderson, to adopt Ordinance 2020-02. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Anderson, Yea.

♣2. Ordinance 2020-03, granting approval of a Final Development Plan for a planned unit development (PUD) to allow a proposed single-family residential development to be known as “Palm Vista Everlands” on property located at the southeast corner of St. Johns Heritage Parkway and Pace Drive (50.4 acres)(Case FD-28-2019, Lennar Homes, Inc./Pace Drive Holdings, LLC), final reading.

The City Attorney read the ordinance in caption only. The public hearing was opened. The applicant presented the request to Council.

Bill Battin, resident, asked that the City plan ahead regarding Transportation Impact Fees from the development in order to address traffic concerns along St. Johns Heritage Parkway and Pace Drive.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to adopt Ordinance 2020-03. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Anderson, Yea.

♣3. Ordinance 2020-04, granting approval of a Final Development Plan for the proposed parking and playfield expansion of Odyssey Charter School on property located at the southeast corner of Eldron Boulevard and Raleigh Road (13.27 acres)(Case FD-30-2019, Odyssey Charter School, Inc.), final reading.

The City Attorney read the ordinance in caption only. The public hearing was opened.

David Wills, resident, hoped that the parking expansion would include a pick-up lane as school traffic would back-up along Eldron Boulevard. Mr. Bradley said the parking expansion was for the staff parking. However, improvement plans for the school included enhancements to the loop roads within the school property which may alleviate traffic issues.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Anderson, to adopt Ordinance 2020-04. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Anderson, Yea.

♣4. Ordinance 2020-05, rezoning property located north of and adjacent to Tishman Road, in the vicinity north of San Filippo Drive, from RS-2 (Single-Family Residential District) to IU (Institutional Use District) (1.26 acres) (Case Z-29-2019, M. David Moallem), final reading.

The City Attorney read the ordinance in caption only. The public hearing was opened. Attorney Philip Knorr, representative for the applicant, presented the request to Council. The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to adopt Ordinance 2020-05. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Anderson, Yea.

5. Ordinance 2020-07, amending the Code of Ordinances, Chapter 118, Liens Levied Against Private Property, by modifying provisions related to the collection of liens, final reading.

The City Attorney read the ordinance in caption only. The public hearing was opened and closed as there were no comments.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to adopt Ordinance 2020-07. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Anderson, Yea.

6. Ordinance 2020-08, amending the Fiscal Year 2019-2020 budget by appropriating and allocating certain monies (first budget amendment), final reading.

The City Attorney read the ordinance in caption only. The public hearing was opened and closed as there were no comments.

Motion by Deputy Mayor Johnson, seconded by Mr. Anderson, to adopt Ordinance 2020-08. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Anderson, Yea.

UNFINISHED AND OLD BUSINESS:

For the item below, the individuals were rated by the City Council due to the number of applications exceeding the number of vacant positions. Number 1 represented the first choice of each councilmember and so on. The individual(s) receiving the lowest number(s) to the position(s) were considered for appointment to the board.

1. Appointment of one (1) member to the Planning and Zoning Board.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to appoint Richard Hill to the Planning and Zoning Board. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Anderson, Yea.

COMMITTEE AND COUNCIL REPORT(S):

Councilmembers provided updates on activities of various agencies and boards on which they served as members.

NEW BUSINESS: (Ordinance is for first reading.)

***1. Resolution 2020-03, amending Resolution 2019-37, adopting Classification and Pay Plans and the Position Control Plan for employees of the City of Palm Bay (first amendment).**

The City Attorney read the resolution in caption only. The resolution was approved under Consent Agenda.

***2. Resolution 2020-04, amending Resolution 2019-38, adopting the Five-Year Capital Improvements Program for Fiscal Years 2019-2020 through 2023-2024 (first amendment).**

The City Attorney read the resolution in caption only. The resolution was approved under Consent Agenda.

3. Ordinance 2020-06, amending the Code of Ordinances, Chapter 93, Real Property Nuisances, Subchapter 'Unsightly and Unsanitary Conditions' by modifying provisions contained therein. (CONTINUED FROM RCM – 01/02/20)

The item, announced under Agenda Revisions, was continued to the next regular Council meeting.

***4. Consideration of a collective bargaining agreement with the National Association of Government Employees, Local R-5-186 (Blue).**

Staff Recommendation: Ratify the agreement between the City and the NAGE Blue Local R-5-186.

The item, considered under Consent Agenda, was approved as recommended by City staff.

5. Consideration of appropriating funds for solid waste and recycling collection consultant services, utilizing Kessler Consulting, Inc. (\$50,000)

Staff Recommendation: Approve appropriation of funds on the next budget amendment for the use of Kessler Consulting, Inc., through piggyback arrangement, under Manatee County competitive solicitation 16-1987FL, in an amount not to exceed \$50,000.

Individuals commented on the item stating it was a high expense and there was expertise in-house that could perform the task, and that background checks should be performed on the employees of the consulting firm.

Motion by Deputy Mayor Johnson, seconded by Mr. Anderson, to appropriate the funds for solid waste and recycling collection consultant services as requested.

Mr. Anderson announced that the contract had not been awarded and the funding would not come from the General Fund. He did not want the public to misinterpret this agenda item. Council still had to approve the contract in the future.

Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Anderson, Yea.

6. Consideration of amending Council Policies and Procedures by including provisions within Section 7.8.2, Public Comments, related to speaking by proxy.

Staff Recommendation: Approve the amendment to Council's Policies and Procedures as requested.

Bill Battin, resident, asked if residents could submit letters to be read into the record.

Lisa DeBrito, resident, asked if residents could be conferenced into the meeting. She said the City would be violating the First Amendment as well as the Americans with Disabilities Act. Ms. Smith said that any person who had a disability could request an accommodation and there was nothing in the amended policy that prohibited the City from making an accommodation for same.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to amend Council's Policies and Procedures as requested. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Anderson, Yea.

7. Acknowledgement of the City's monthly financial report for November 2019.

Bill Battin, resident, asked the following: a) was there a rollover of funds in the Stormwater Utility Fund since the balance was \$9.5 million, but the revenues collected totaled \$4.3 million; and b) how much of the bond proceeds (2018 LOGT NOTE) that were borrowed for the new interchange were tied into Babcock Street.

Mrs. Morrell responded that: a) revenue collections in Fiscal Year 20 through the end of November included assessment collections of \$4,267,923.74 collected through the Brevard County Tax Collector Office and \$8,512.14 in Stormwater Service Fees previously billed by the Palm Bay Utility; and b) funding was for the Parkway only and was not spent on the Babcock Street intersection.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to acknowledge the financial report. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Anderson, Yea.

***8. Consideration of travel and training for specified City employees.**

Staff Recommendation: Approve the travel and training as specified.

The item, considered under Consent Agenda, was approved as recommended by City staff.

ADMINISTRATIVE AND LEGAL REPORT(S):

1. Mrs. Morrell requested a tentative special Council meeting to discuss the Babcock Interlocal Agreement with Brevard County. The proposed dates were Thursday, January 23, 2020 or Tuesday, January 28, 2020, at 6:00 p.m. Council concurred.

PUBLIC COMMENTS/RESPONSES:

A resident made a general comment.

ADJOURNMENT:

There being no further business, the meeting adjourned at the hour of 8:34 P.M.

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

- * Identifies items considered under the heading of Consent Agenda.
- ♣ Indicates quasi-judicial proceeding.